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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,651	07/15/2003	Yasutaka Ito	238745US-90CONT	5253
22850	7590	03/04/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PAIK, SANG YEOP	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/618,651	Applicant(s) ITO ET AL.	
	Examiner Sang Y Paik	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 12-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/926,092.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/15/03, 10/3/03</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Ushikoshi et al (US 5,306,895).

Ushikoshi et al shows a ceramic heater having a nitride ceramic plate with a heating element formed inside the ceramic plate, a bottomed hole made directly opposite to the heating surface, the bottom of the bottom hole formed relatively nearer to the heating surface than the heating element, a temperature-measuring element set up in the said bottom hole, the distance between the bottom of the bottomed hole and the heating surface is less than the thickness of the ceramic plate as shown in Figure 32.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ushikoshi et al (US 5,306,895) in view of Kersten et al (US 5,919,385) or Hecht et al (US 5,877,475).

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Ushikoshi et al shows the structure claimed except the temperature sensor pressed on the bottom portion of the hole.

Kersten et al shows a temperature sensor being pressed by a spring elastic means to press the heating temperature sensor against the heating surface. Hecht et al also shows a temperature sensor being pressed against the heating surface by an elastic body such as a spring member. In view of Kersten et al or Hecht et al, it would have been obvious to one of ordinary skill in the art to adapt Ushikoshi et al with the means to press the heating temperature sensor against the heating surface so that the temperature sensor can make a close contact with the heating surface to more accurately measure the operating temperature.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ushikoshi et al (US 5,306,895) in view of Arena et al (US 5,635,093) or Nobori et al (US 5,616,024).

Ushikoshi et al shows the structure claimed except having the heating element into at least two circuits.

Arena et al shows the heating element having a plurality of heating conducting circuits. Nobori et al also shows a plurality of heating circuits that can be independently controlled. In view of Arena et al or Nobori et al, it would have been obvious to one of ordinary skill in the art to adapt Ushikoshi et al with the a plurality of heating circuits so that each heating elements can be independently controlled and better enable a more uniform heating across the heating surface.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ushikoshi et al (US 5,306,895) in view of Yoshida et al (US 6,080,970).

Ushikoshi et al shows the structure claimed except the heating element having a flat shape.

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Yoshida et al shows a heating element having a flat shape. In view of Yoshida et al, it would have been obvious to one of ordinary skill in the art to adapt Ushikoshi et al with a heating element having a flat shape to further improve the heating distribution by the heating element.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y Paik whose telephone number is 703-308-1147. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. P. L.

Sang Y Paik
Primary Examiner
Art Unit 3742

SYP